

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director / (954) 797-1101

PREPARED BY: Lise Bazinet, Planner II

SUBJECT: Quasi Judicial Hearing: Variance, V 3-1-07/06-81/Falcon Tire Center/2600 Davie Road / Generally located on the east side of Davie Road between Nova Drive and Interstate 595.

AFFECTED DISTRICT: District 1

ITEM REQUEST: Staff Requesting a Tabling/Withdrawal

TITLE OF AGENDA ITEM: V 3-1-07/06-81/Falcon Tire Center

REPORT IN BRIEF: Section §12-208(A)(14) Minimum off-street parking requirements for industrial uses, requires a total of 24 parking spaces (one (1) space for each six hundred (600) square feet of floor area of building plus one (1) space for each three hundred(300) square feet of office use). The applicant is requesting a reduction of 8 parking spaces to provide 16 parking spaces.

The proposed variance request will allow the development of the site as a tire center for commercial trucks. The Town's Zoning and Land Development regulations does not list this use with specific parking calculations, however, states that the requirements for off-street parking for any uses not specifically mentioned in this section must be calculated based on the use most similar to the one sought. The petitioner has also submitted documentation (see Exhibit 1) indicating the request is in compliance with the variances criteria outlined in §12-309(B)(1) of the Land Development Code.

PREVIOUS ACTIONS: N/A

CONCURRENCES: At the July 11, 2007 planning and Zoning, Mr. Pignato made a motion, seconded by Mr. Busey, to table this item to August 8, 2007. In a voice vote, with Chair Bender and Ms. Turin being absent, all voted in favor (**Motion carried 3-0**).

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S):

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration with the following condition:

1. A covenant restricting the use to commercial trucks tire center only must be recorded in the Public Records of Broward County prior to obtaining any building permits.

Attachment(s): Planning Report

Exhibit "A"

Application: V 3-1-07/06-81/Falcon Tire Center

Original Report Date: 6/28/07

Revision(s):

07/12/2007

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owner

Name: Anchor Development, LLC

Address: 3707 W. Gardenia Avenue

City: Weston, Florida 33332

Phone: (954) 653-0791

Petitioner:

Name: Barranco Gonzalez Architecture

Address: 3201 Griffin Road, Suite 202

City: Fort Lauderdale, Florida 33312

Phone: (954) 961-7675

Background Information

Date of Notification: July 4, 2007 **Number of Notifications:** 22

Application Request: **FROM:** Section §12-208(A)(14) Minimum off-street parking requirements for industrial uses, total parking required 24 parking spaces (one (1) space for each six hundred (600) square feet of floor area of building plus one (1) space for each three hundred (300) square feet of office use **TO:** provide 16 parking spaces.

Address: 2600 Davie Road

Location: Generally located on the east side of Davie Road between Nova Drive and Interstate 595.

Future Land Use

Plan Map Designation: RAC, Regional Activity Center

Zoning: M-4 (County), Limited Heavy Industrial District requesting rezoning to M-3, Planned Industrial Park District.

Existing Use: Vacant lot

Parcel Size: 1.10 net acres (47,916 sq. ft.)

Proposed Use: Tire Center for commercial trucks

Proposed Density: N/A

Surrounding Use(s):

North: Tool and equipment `store
Activity Center
South: Vacant lot
Activity Center
East: Lake
Activity Center
West: Davie Road, corporate offices
Activity Center

**Surrounding Land
Use Plan Map****Designation(s):**

RAC, Regional

RAC, Regional

RAC, Regional

RAC, Regional

Surrounding Zoning(s):

North: M-4 (County), Limited Heavy Industrial District
South: M-4 (County), Limited Heavy Industrial District
East: M-4 (County), Limited Heavy Industrial District
West: M-4 (County), Limited Heavy Industrial District

Zoning History**Related zoning history:**

Town Council approved the Regional Activity Center Land Use Plan Classification in 1998.

Concurrent Request(s) on same property:

Site Plan Application (SP 6-7-06), the petitioner requests site plan approval for a one-story building to be use as a tire center for commercial trucks.

Rezoning Application (ZB 6-2-06), the petitioner requests Rezone the approx. 1.10 acres subject site from M-4 (County), Limited Heavy Industrial District to M-3, Planned Industrial Park District.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code (Section 12-305), Rezoning, Special Permits, Variances, and Vacations or Abandonment's of Rights-of-Way, the purpose of this division is to guide the processing and granting of rezoning, special permits, variances and vacations or abandonment's of rights-of-way in a manner consistent with the Town of Davie Comprehensive Plan, existing development and in a manner which protects the public health, safety and welfare.

Land Development Code (Section 12-24), (I) (9) Planned Industrial Park (M-3) District, The M-3 District is intended to implement the industrial classification of the Town of Davie Comprehensive Plan by providing for planned industrial parks which can accommodate light, medium or selected heavier industrial uses in an open, uncrowded

and attractive manner through limitations on setbacks and coverage. M-3 districts are not intended for locations abutting residential property.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to parcels on Nova Drive.

Broward County Land Use Plan:

The subject site falls within Flexibility Zone 97.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Policy 5-2: The (re)zoning, (re)planning, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Use portion of the Implementation Section.

Future Land Use Plan, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details

Section §12-208(A)(14) Minimum off-street parking requirements for industrial uses, requires a total of 24 parking spaces (one (1) space for each six hundred (600) square feet of floor area of building plus one (1) space for each three hundred(300) square feet of office use). The applicant is requesting a reduction of 8 parking spaces to provide 16 parking spaces.

The proposed variance request will allow the development of the site as a tire center for commercial trucks. The Town's Zoning and Land Development regulations does not list this use with specific parking calculations, however, states that the requirements for off-street parking for any uses not specifically mentioned in this section must be calculated based on the use most similar to the one sought. The petitioner has also submitted documentation (see Exhibit 1) indicating the request is in compliance with the variances criteria outlined in §12-309(B)(1) of the Land Development Code.

Staff Analysis

The following information is staff's analysis based on the criteria established in the Town of Davie's, Land Development Code, Section 12-309(B)(1) for variance applications:

- (a) There are special circumstances or conditions applying to the land or building for which the variance is sought;

As stated in the applicant's justification letter, all parking calculations are based on industrial requirements. Although this is the closest match, it does not accurately represent the activities at Falcon Tire Center. About half of the work is done off site, performed either on the road or at the customer's premises.

which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district;

Staff acknowledges the parking calculations are not specific to the proposed use and agrees with the applicant's justification letter indicating the patrons will be, in its majority, driving the trucks in need of repair. The proposed use will serve big trucks with less demand for patron parking,

and that said circumstances or conditions are not such that the strict application of the provisions of this chapter would not deprive the application of the reasonable use of such land or building for which the variances are sought;

The variance request is to allow the reduction of parking requirements for a use specific to trucks tires service. As stated in the applicant's justification statement, the variance will allow large turning radii, which because the nature of this use, it does not require additional patron's parking. The site will still provide 16 parking spaces to serve the employees as well as eventual patrons if necessary.

and that alleged hardship is not self-created by any person having an interest in the property.

The special circumstances are being created by the specific use of the site and the necessity of large turning radii for big trucks being services at the proposed facility.

- (b) The granting of the variance is not necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose;

The variance request is not necessary for the reasonable use of the land. However, as stated in the applicant's justification statement, the clients that come to the site arrive in their trucks, park in the service bays, wait for the vehicles to have the tires replaced and leave. The vehicles this facility will serve require large turning radii and clear area to maneuver, which requires the parking spaces to be in the perimeter, limiting the site.

- (c) Granting of the requested variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The intent of the Land Development Code is to allow an interpretation to be made where there is a just balance between the rights of the landowner and all others who will be affected by that person's proposal.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration with the following condition:

2. A covenant restricting the use to commercial trucks tire center only must be recorded in the Public Records of Broward County prior to obtaining any building permits.

Planning and Zoning Board Recommendation

At the July 11, 2007 planning and Zoning, Mr. Pignato made a motion, seconded by Mr. Busey, to table this item to August 8, 2007. In a voice vote, with Chair Bender and Ms. Turin being absent, all voted in favor (**Motion carried 3-0**).

Town Council Action

Exhibits

1. Petitioner's Justification letter
 2. Survey
 3. Proposed Site Plan
 4. Future Land Use Plan Map
 5. Zoning and Aerial Map
-

Prepared by: _____

Reviewed by: _____

File Location: P&Z\Development Applications\Applications\V_Variance\V_07\V 3-1-07\ Falcon Tire Center

Exhibit 1 Petitioner's Justification letter)



June 28, 2007

Town Of Davie
Development Services Department
Planning & Zoning Division
6591 Orange Dr
Davie FL 33314

RE: Parking requirements for proposed Falcon Tire Center

Dear Srs.:

This letter is to inform you of the nature of our business, our particular parking needs and to explain why we think that the proposed parking spaces for our new facility to be built at 2600 Davie Rd. should be sufficient to cover our employees and customers needs.

Falcon Tire Center's business activity is to sell and install tires mainly on commercial vehicles including light trucks, trucks and some light construction equipment. About 50 % of the jobs are performed either on the road or at customer's yards by means of our Service Trucks dispatched as requested.

Walk-in customers normally drive their vehicles into the facility's service bays and wait until the tires are mounted. Then drive away.

Given the nature of our business, most parking spaces needed are for our own employees and possibly an eventual visitor.

At present we have 5 employees and expect to grow to 6-7 employees at the new facility. For this reason we consider that 16 parking spaces should be enough to cover for our employees plus any eventual parking needs.

Should you have any question please contact me at (954) 275-6661.

A handwritten signature in black ink, appearing to read "F. Sosa".

Fernando Sosa
Falcon Tire Center

4400 S.W. 36th Street (Oakes Road) • Davie, Florida 33314
Phone: (954) 584-4417 • FAX: (954) 584-4454
www.falcontirefl.com

COMPARISON

NO.	DESCRIPTION	BEARING	DISTANCE	REMARKS
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Exhibit 3 (Proposed Site Plan)

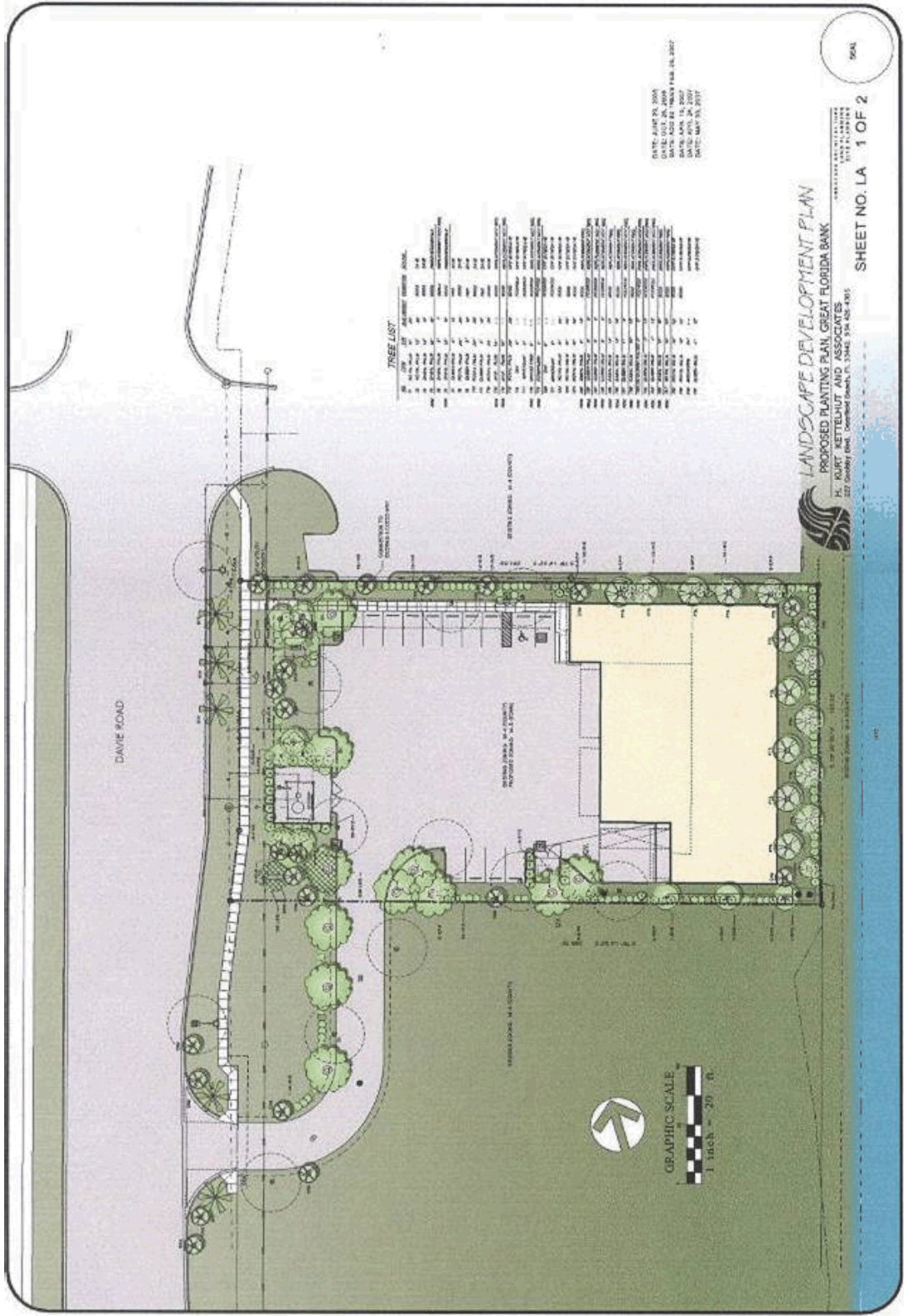
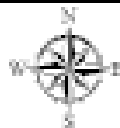
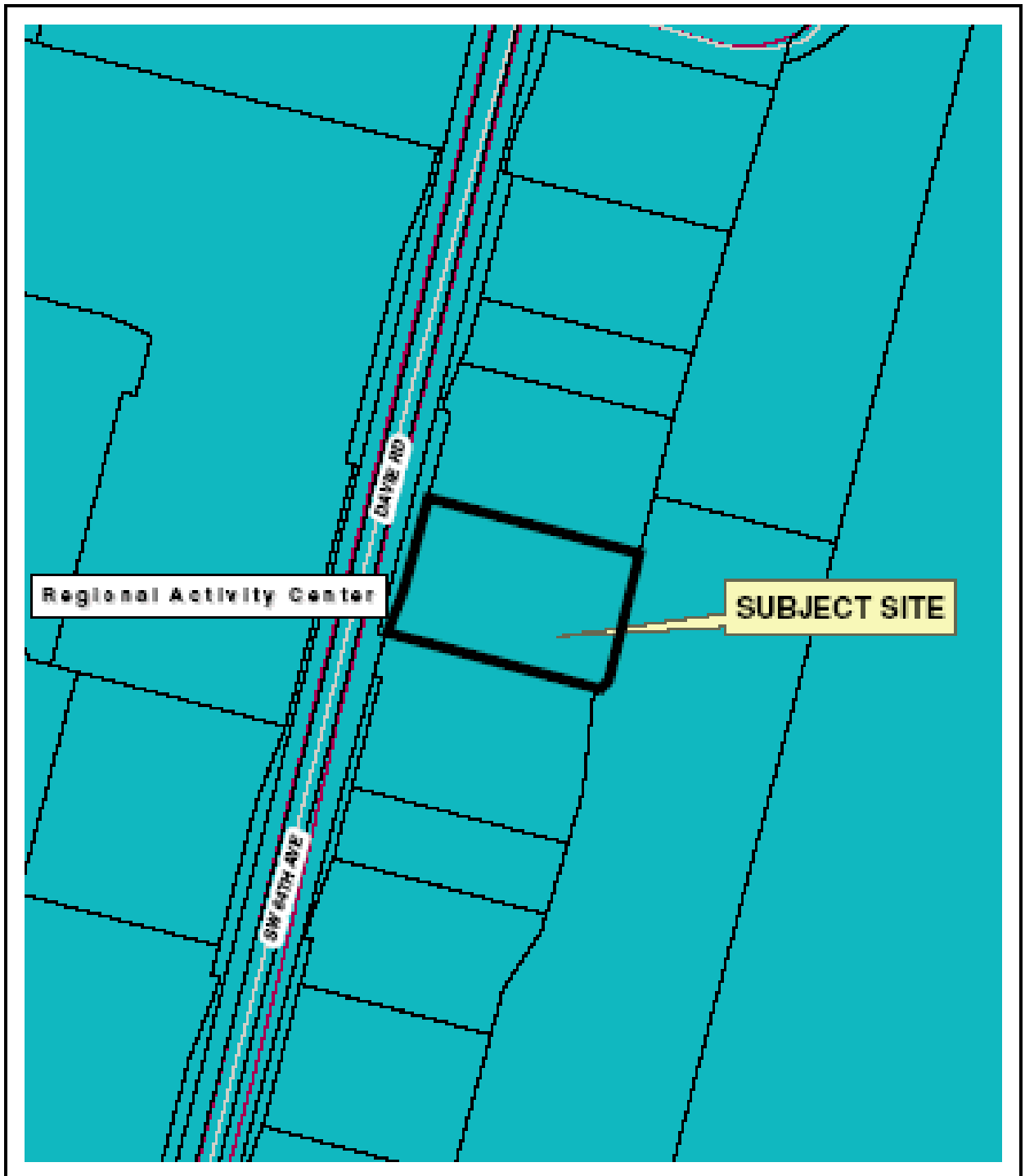


Exhibit 4 (Future Land Use Plan Map)



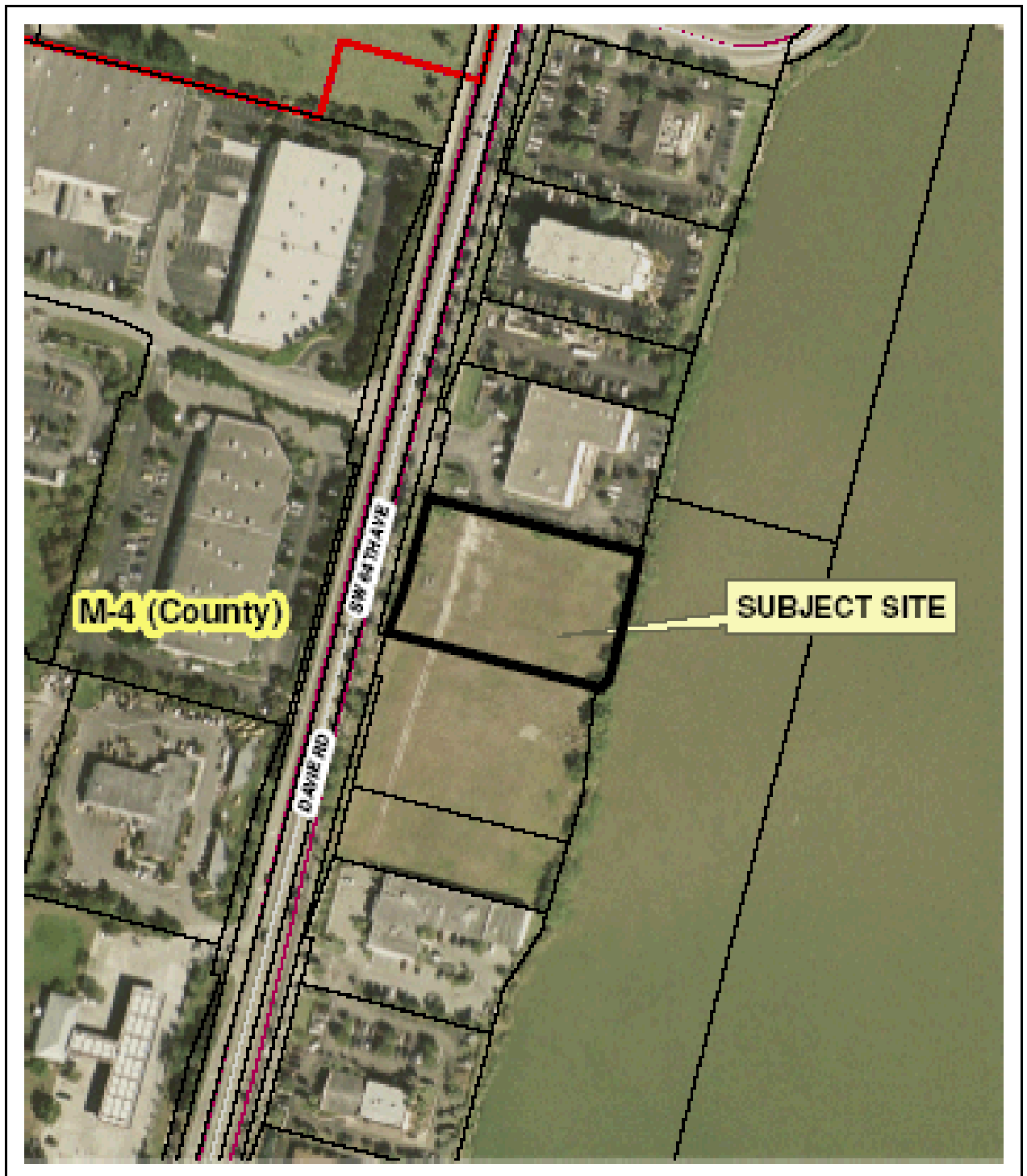
0 100 200 400 Feet

Prepared by the Town of Davis GIS Division

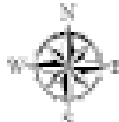
REZONING ZB 6-2-06 Future Land Use Map

Prepared by: ID
Date Prepared: 7/14/11

Exhibit 5 (Zoning and Aerial Map)



Date Flown:
12/2004



0 100 200 400 Feet

Prepared by the Town of Davis GIS Division

REZONING ZB 6-2-06 Zoning and Aerial Map

Prepared by: ID
Date Prepared: 7/14/11

MEMORANDUM

PZ 7-18-07

TO: Town Council Members and Mayor

THRU: Ken Cohen, Acting Town Administrator
Mark A. Kutney, AICP, Development Services Director
Marcie Nolan, Acting Planning & Zoning Manager

FROM: Lise Bazinet, Planner II

DATE: July 18, 2007

Re: V 3-1-07/Falcon Tire Center (*Variance Application*)

REQUEST:

The petitioner is requesting that the above referenced item, currently scheduled on the August 1, 2007 Town Council Meeting be tabled to the September 5, 2007 Meeting. This is the petitioner's first request for deferral.

CONCURRENCES:

At the July 11, 2007 Planning and Zoning Board meeting, Mr. Pignato made a motion, seconded by Mr. Busey, to table this item to August 8, 2007. In a voice vote, with Chair Bender and Ms. Turin being absent, all voted in favor (**Motion carried 3-0**).

JUSTIFICATION:

The petitioner is requesting to table this item to address comments made by the Site Plan Committee for the Site Plan application submitted in concurrence with this variance application.

ATTACHMENT:

Petitioner's Tabling Request Letter